
HOUSE BILL No. 1298

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Handguns. Requires a person to complete a handgun safety course before receiving a handgun license. Amends the definition of "dealer" as it relates to the sale of handguns. Requires a handgun dealer to wait seven business days after receiving authorization from the National Instant Criminal Background Check System to transfer a handgun to a prospective purchaser before selling, renting, trading, or transferring a handgun to the purchaser. Makes it a Class A misdemeanor for a person to obtain more than two handguns during a calendar month.

Effective: July 1, 2007.

Smith V

January 16, 2007, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1298

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.190-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 3. (a) A person desiring a license to carry a
4 handgun ~~shall~~ **must**:

5 (1) apply:

6 (1) (A) to the chief of police or corresponding law
7 enforcement officer of the municipality in which the applicant
8 resides;

9 (2) (B) if that municipality has no such officer, or if the
10 applicant does not reside in a municipality, to the sheriff of the
11 county in which the applicant resides after the applicant has
12 obtained an application form prescribed by the superintendent;
13 or

14 (3) (C) if the applicant is a resident of another state and has a
15 regular place of business or employment in Indiana, to the
16 sheriff of the county in which the applicant has a regular place
17 of business or employment; **and**



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(2) provide evidence that the person has successfully completed a handgun safety training course conducted under standards established by the superintendent.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if federal funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

(1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms or firearm related equipment, or both, for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and, if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in

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1 addition verify for accuracy the information contained in the
 2 application, and shall forward this information together with the
 3 officer's recommendation for approval or disapproval and one (1) set
 4 of legible and classifiable fingerprints of the applicant to the
 5 superintendent.

6 (d) The superintendent may make whatever further investigation the
 7 superintendent deems necessary. Whenever disapproval is
 8 recommended, the officer to whom the application is made shall
 9 provide the superintendent and the applicant with the officer's complete
 10 and specific reasons, in writing, for the recommendation of
 11 disapproval.

12 (e) If it appears to the superintendent that the applicant:

13 (1) has a proper reason for carrying a handgun;

14 (2) is of good character and reputation;

15 (3) is a proper person to be licensed; and

16 (4) is:

17 (A) a citizen of the United States; or

18 (B) not a citizen of the United States but is allowed to carry a
 19 firearm in the United States under federal law;

20 the superintendent shall issue to the applicant a qualified or an
 21 unlimited license to carry any handgun lawfully possessed by the
 22 applicant. The original license shall be delivered to the licensee. A
 23 copy shall be delivered to the officer to whom the application for
 24 license was made. A copy shall be retained by the superintendent for
 25 at least four (4) years in the case of a four (4) year license. The
 26 superintendent may adopt guidelines to establish a records retention
 27 policy for a lifetime license. A four (4) year license shall be valid for
 28 a period of four (4) years from the date of issue. A lifetime license is
 29 valid for the life of the individual receiving the license. The license of
 30 police officers, sheriffs or their deputies, and law enforcement officers
 31 of the United States government who have been honorably retired by
 32 a lawfully created pension board or its equivalent after twenty (20) or
 33 more years of service shall be valid for the life of these individuals.
 34 However, a lifetime license is automatically revoked if the license
 35 holder does not remain a proper person.

36 (f) At the time a license is issued and delivered to a licensee under
 37 subsection (e), the superintendent shall include with the license
 38 information concerning handgun safety rules that:

39 (1) neither opposes nor supports an individual's right to bear
 40 arms; and

41 (2) is:

42 (A) recommended by a nonprofit educational organization that

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is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;

(2) changes the person's address; or

(3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;

the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60)

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1 days after the date of the change described under subdivision (1) or (2),
 2 notify the superintendent, in writing, of the event described under
 3 subdivision (3) or, in the case of a change under subdivision (1) or (2),
 4 the person's new name or new address.

5 (j) The state police shall indicate on the form for a license to carry
 6 a handgun the notification requirements of subsection (i).

7 (k) The state police department shall adopt rules under IC 4-22-2 to
 8 implement an electronic application system under subsection (a). Rules
 9 adopted under this section must require the superintendent to keep on
 10 file one (1) set of classifiable and legible fingerprints from every
 11 person who has received a license to carry a handgun so that a person
 12 who applies to renew a license will not be required to submit an
 13 additional set of fingerprints.

14 SECTION 2. IC 35-47-2.5-1, AS AMENDED BY P.L.190-2006,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2007]: Sec. 1. (a) This chapter does not apply to the following:

17 (1) Transactions between persons who are licensed as firearms
 18 importers or collectors or firearms manufacturers or dealers under
 19 18 U.S.C. 923.

20 (2) Purchases by or sales to a law enforcement officer or agent of
 21 the United States, the state, or a county or local government.

22 (3) Indiana residents licensed to carry handguns under
 23 IC 35-47-2-3, **except as provided in section 5.3 of this chapter.**

24 (b) Notwithstanding any other provision of this chapter, the state
 25 shall participate in the NICS if federal funds are available to assist the
 26 state in participating in the NICS. If:

27 (1) the state participates in the NICS; and

28 (2) there is a conflict between:

29 (A) a provision of this chapter; and

30 (B) a procedure required under the NICS;

31 the procedure required under the NICS prevails over the conflicting
 32 provision of this chapter.

33 SECTION 3. IC 35-47-2.5-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this
 35 chapter, "dealer" includes any person **who:**

36 (1) is licensed under 18 U.S.C. 923; or

37 (2) **sells, rents, trades, or transfers a handgun to another**
 38 **person at a gun show.**

39 SECTION 4. IC 35-47-2.5-4, AS AMENDED BY P.L.190-2006,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2007]: Sec. 4. (a) A dealer may not sell, rent, trade, or transfer
 42 from the dealer's inventory a handgun to a person until the dealer has

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- 1 done all of the following:
- 2 (1) Obtained from the prospective purchaser a completed and
- 3 signed Form 4473 as specified in section 3 of this chapter.
- 4 (2) Contacted NICS:
- 5 (A) by telephone; or
- 6 (B) electronically;
- 7 to request a background check on the prospective purchaser.
- 8 (3) Received authorization from NICS to transfer the handgun to
- 9 the prospective purchaser.
- 10 **(4) Waited at least seven (7) business days after the date the**
- 11 **dealer receives authorization from NICS under subdivision**
- 12 **(3).**
- 13 (b) The dealer shall record the NICS transaction number on Form
- 14 4473 and retain Form 4473 for auditing purposes.
- 15 SECTION 5. IC 35-47-2.5-5.3 IS ADDED TO THE INDIANA
- 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2007]: **Sec. 5.3. (a) This section applies to**
- 18 **Indiana residents licensed to carry handguns under IC 35-47-2-3.**
- 19 **(b) A person may not purchase or otherwise obtain more than**
- 20 **two (2) handguns during a calendar month.**
- 21 **(c) A person who knowingly or intentionally violates this section**
- 22 **commits a Class A misdemeanor.**
- 23 SECTION 6. [EFFECTIVE JULY 1, 2007] (a) IC 35-47-2.5-4, as
- 24 amended by this act, does not apply to the sale, rental, trade, or
- 25 transfer of a handgun for which the dealer received authorization
- 26 from the NICS under IC 35-47-2.5-4(a)(3) before July 1, 2007.
- 27 (b) IC 35-47-2.5-5.3, as added by this act, applies only to
- 28 offenses committed after June 30, 2007.

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